



Serving Limited English Proficient Clients



A Procedure Manual for LSNC Intake Staff and Advocates

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INTRODUCTION: LSNC LANGUAGE ACCESS

LSNC LANGUAGE ACCESS

LSNC is committed to ensuring that the services we offer are accessible to the populations we serve, including those persons who are not proficient or are limited in their ability to communicate in the English language. Limited English Proficient (LEP) persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

As legal services providers, we have a professional obligation to effectively communicate with our clients; the failure to do so is a form of discrimination. LSNC provides access to free, competent interpreters, who will interpret to and from the person's primary language.

Each office must have posted, in a conspicuous place at or near the reception area, the "Free Interpreter" poster, which can be found on the SPN. The receptionist should also have a copy of the "I Speak" sheet available to show to Limited English Proficient prospective clients when the staff member cannot identify the person's primary language. The sheet is also located at:
<http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards.pdf>.

An LEP person may also need correspondence we write to him/her in English translated into his or her primary language. LSNC has translated the most frequently used case forms needed by the clients. In addition, LSNC will translate, according to the policy described below, key written communications with clients so the person can understand the advice or actions on his/her case. One example of a key communication is a 10-day or closing letter when a client has not maintained contact with the office.

LSNC offices shall serve LEP individuals in the same manner as English speaking clients, to the extent possible. In other words, the same procedures for same day service vs. future appointment, and office priorities apply. LEP clients should not experience any unreasonable delay in services because of their language needs.

The following manual should be used by LSNC staff in determining how to provide language access to LEP persons. Staff must ask all applicants for services about language service needs, regardless of their race or national origin, and must record each client's language assistance needs in his or her client file.

LSNC's LEP Contact Persons. Should you have any questions or doubts about anything in this manual, you should contact LSNC's language access coordinators. The LSNC language access coordinators are Deputy Director Julie Aguilar Rogado, Regional Counsel Jodie Berger, and (Ukiah) Managing Attorney Angélica Millán.

INTAKE PROCEDURES

SERVING LIMITED ENGLISH PROFICIENT WALK-INS

1. Determine whether the person is limited English Proficient. If the person is speaking another language to you at walk-in, and/or asks for an interpreter, or otherwise indicates a preference to communicate in another language other than English, that person is considered limited English proficient. If during intake or at any point thereafter, the person indicates a preference for communication in another language, consider him or her limited English proficient. In addition, if you as a staff member feel that you are unable to communicate clearly with the client or the client appears to not fully understand, you should use an interpreter. The fact that a person has a non-English primary language or speaks with an accent, alone, is not a sufficient basis to consider them LEP. Go to Step 2.
2. Identify the person's language. If you are unable to identify the person's primary language, show the prospective client the "I speak cards," which should be available at the reception desk or can be located at: <http://www.justice.gov/crt/about/cor/Pubs/ISpeakCards.pdf> . If the person is unable to identify his/her language from the cards (for example because their language is not listed or because they do not read), call Ethnic Bridge (see Appendix A). Under no circumstances should the person be left waiting for more than 15 minutes before you use some resource to communicate to the individual in his or her primary language.
3. Provide in-house or telephone interpreting services to determine why the person has visited the office. If there is an available staff person in the office who speaks that language, ask the staff person to provide brief interpretation in order to determine the individual's name, contact information and need for assistance. If there is no staff person present or available in the office, consult the In-House Language Chart, to locate a LSNC staff person who speaks that language. If neither an in-office or in-house person is available, call Ethnic Bridge (See Appendix A).
4. Using the interpreter, determine what level of services, information or referrals we can provide. If we cannot accept the client's case because of LSC restrictions, office priorities, or any other reason, explain this to the client using the interpreter. If you provide brochures or other handouts, make sure you provide the LSNC translated version, if there is one. (See current list of available LSNC multilingual brochures at Appendix B). All English LSNC brochures are required to have a "tag line" in the frequently encountered languages stating that we provide free interpreter services. (Currently, this is Spanish, Vietnamese and Russian.) For any language which does not have a tag line, the brochure should be accompanied by a multilingual insert explaining the right to have the brochure interpreted to the person in his or language.
5. If the person's case is accepted for services, use the interpreter to help the client complete the intake form (if the intake form is not in the client's primary language) and schedule a follow-up appointment with an advocate. Determine in advance of the appointment whether a LSNC interpreter (in your own office or from the in-house list on the SPN) is available. Check with your Managing Attorney or the Managing Attorney for the office where the interpreter works regarding the staff member's availability for any appointment estimated to last more than 15 minutes. Attempt to schedule the appointment with your client, consulting with the interpreter,

to ensure it is most convenient for all three of you. If there is no LSNC interpreter available, use Ethnic Bridge.

Use of others in the lobby: To protect client confidentiality and to avoid any misinterpretation, staff should *never* ask another client or person present in the office waiting room to determine the language of the potential client or any other client information.

SERVING LIMITED ENGLISH PROFICIENT CALL-INS

1. Determine whether the person is limited English Proficient. If the person is speaking to you in another language at call-in, and/or asks for an interpreter, or otherwise indicates a preference to communicate in another language other than English, consider that person limited English proficient. Staff should not attempt to determine English comprehension or competency – it is the client's right to have an interpreter if this is his/her preference. If during intake or at any point thereafter, the person indicates a preference for another language, consider him or her limited English proficient. In addition, if you as a staff member feel that you are unable to communicate clearly with the client or the client is not understanding you, you should use an interpreter. The fact that a person has a non-English primary language or speaks with an accent, alone, is not a sufficient basis to consider them LEP. Go to Step 2.
2. Identify the caller's language. You may ask the caller what his or her primary language is in English. The caller might recognize that question and be able to state his or her language. If you are unable to identify the caller's primary language, ask the caller to please hold. Call Ethnic Bridge (See Appendix A) and ask for assistance in identifying the language using the conference function on our phone system.
3. Provide in-house or telephone interpreting services to determine why the person has visited the office. If there is an available staff person in the office who speaks that language, ask the staff person to provide brief interpretation in order to determine the individual's name, contact information and need for assistance. If there is no staff person present or available in the office, consult the In House language chart to see if you can locate a LSNC staff person to get this information. If no one speaks that language or is available, call Ethnic Bridge (See Appendix A).
4. Using the interpreter, determine what level of services, information or referrals we can provide. If we cannot accept the client's case because of LSC restrictions, office priorities or any other reason, explain this to the client using the interpreter. As noted above in instructions for walk-in applicants, if you provide brochures or other handouts, make sure they are translated or otherwise have notations regarding interpretation.
5. If the person is accepted for services, use the interpreter to help the client complete the intake form (if the intake form is not in the client's primary language) and schedule a follow-up appointment with an advocate. First, determine in advance of the appointment whether a LSNC interpreter (in your own office or from the in-house list) is available. Check with your Managing Attorney or the Managing Attorney for the office where the interpreter works regarding the staff member's availability for any appointment estimated to last more than 15 minutes. Attempt to schedule the appointment with your client, consulting with the interpreter, to ensure it is most convenient for all three of you. If there is no LSNC interpreter available, use Ethnic Bridge. If an in-person legal interpreter is necessary, the interpreter must be provided.

GUIDELINES FOR ADVOCATES IN COMMUNICATIONS WITH LEP CLIENTS

VERBAL COMMUNICATION WITH CLIENTS

Limited English Proficient clients need approved interpreters at initial appointments, follow-up appointments, hearing preps, and at any other point at which they communicate verbally with an advocate. The goal is to ensure that an LEP client can understand every aspect of the representation, just as an English-speaking client would.

Verbal Communication Procedures

1. Face-to-face appointments are best, if at all possible. Make sure an approved interpreter is available to the client at all scheduled appointments. Remember that an interpreted meeting may take two to three times as long as a meeting conducted without an interpreter, and that if you are using LSNC staff resources, you need to check with your Managing Attorney or the Managing Attorney for the office where the interpreter works regarding the staff member's availability for any appointment estimated to last more than 15 minutes. Make sure all interpreters other than in-house staff or Ethnic Bridge interpreters sign a confidentiality statement (see Appendix C), and keep the signed copy in the client's file.
2. What if there are no approved interpreters available locally for the client's appointment with the advocate? Some clients may speak a rare language for which no approved interpreters are available in the community. If this is the case, the advocate should use the telephone interpreter service, Ethnic Bridge (See Appendix A). Note LSNC's policy regarding untrained interpreters described below.
3. What if an LEP person approaches you at an outreach or community education event? If you can identify the person's primary language, obtain contact information from the person and arrange for an intake appointment, if an interpreter is not present on site. If you cannot identify the primary language (even after using the "I Speak" cards you remembered to take with you), provide the person your phone number or address so they can call-in or visit your office. Follow the procedures described previously in this Manual.

LSNC strongly discourages use of untrained interpreters, such as family members, friends and caseworkers. Untrained interpreters pose several potential problems, including lack of sufficient bilingual capacity and conflicts of interest with the client. If the client insists on using the untrained interpreter, inform the client that we may use one of our own interpreters to verify that the untrained interpreter is sufficiently bilingual and note the client's request to use the untrained interpreter in the client's file. The interpreter must sign the "Interpreter Confidentiality Statement" found on the SPN (see Appendix C of this Manual). **Under no circumstances may LSNC allow a client to use a self-provided interpreter when that individual has an identifiable potential or actual conflict of interest with the client.**

With respect to **minor children**, if a minor is *already* on the phone or in the office with a parent or relative, he is or she is only permitted to interpret to the extent necessary to identify the language of the potential client, their name, an appointment time, and contact information. As explained further in this Manual, staff can also use the language line, Ethnic Bridge, to get this information. Do *not* ask a minor to come in or get on the phone to interpret. No other intake information should be transmitted through a minor child.

As with verbal communications with clients, it is important to ensure that limited English proficient clients understand all information contained in our written correspondence. We cannot send LEP clients letters in English and expect them to get an interpretation of the letter on their own. For clients who are not literate or whose primary language is not written, LSNC can obtain audio files of the written translation, to be sent with the written communication. (The client would get the English and translated version, and a CD with the audio file.)

WRITTEN COMMUNICATIONS WITH CLIENTS

Procedures for corresponding with limited English proficient clients in writing:

1. Check the SPN to see if the form letter you need is already in our database.
2. If no form letter exists in the language you need, you may request a written translation. First, you must obtain a cost estimate and then contact Deputy Director Julie Aguilar Rogado, or in her absence, one of the program's language access coordinators, Jodie Berger or Angélica Millán for approval of the expense. LSNC ordinarily uses International Effectiveness Center, iec@ie-center.com for written translation. Please contact IEC via email. If you do not receive a response within 24 hours, you may call IEC at 800-292-2946. IEC would need a word count, and preferably the English document, to give an accurate price quote. Client identifying information (address) should not be in the document sent to IEC, for additional privacy and confidentiality, even though IEC has a confidentiality policy.
3. If the letter will be very detailed and/or case specific, you may want to meet with the client face-to-face or over the phone, rather than sending a letter. Make sure to document the content of the meeting in the client's file. If you have any doubts about how to proceed, contact your Managing Attorney and/or one of the LEP Coordinators. We should talk about our policy. Complicated advice: LSNC recommends an in-person meeting (or phone if not possible) followed by a translated summary, so they have something to refer to. We should always send in writing in full when it's in response to a complaint or a wrapping up of a problematic case.
4. Handing out LSNC brochures/packets to LEP Clients. If you hand out brochures, make sure they are in the person's language if possible (see current list of available multilingual brochures and packets at Appendix B). English brochures should be accompanied by a multilingual insert explaining the right to have the brochure read to the person in his or her language..

OTHER SITUATIONS: LEP CLIENTS AND OTHER AGENCIES

1. What if an LEP client has an in-person hearing or meeting with another entity outside your office? You should verify in advance that the hearings office or agency with which you and your client will meet has scheduled an interpreter. The interpreter provider for a hearing or meeting is not obligated to provide interpretation between you and your client outside the context of the hearing or meeting with the agency (i.e. before and after the hearing). However, many interpreters are willing to provide that assistance briefly. If you cannot confirm beforehand or do not know from prior experience with the agency that an interpreter will be available, you should bring your own or arrange for a phone interpreter.
2. What if an LEP client has a hearing or other appointment by phone with another entity outside your office? Verify in advance that the hearings office or agency with which you and our client will meet has scheduled an interpreter. You should make arrangements for interpretation between you and your client in advance according to the “in office” guidelines described in this Manual.
3. Courts have their own rules about requesting and scheduling interpreters. If you are representing a client for whom a court appearance is anticipated, research the interpreter rules and make arrangements in advance.

APPENDIX A

USING ETHNIC BRIDGE

1. DIAL – 1-877-715-5502
2. ACCOUNT- enter account number¹
3. PIN – Enter Pin
4. LINGO- say the language you need and confirm.
5. TALK- you will now be connected to an interpreter.

Need assistance? Call 1-888-YES-ETHNIC (1-888-937-3846)

¹ The Office Manager and Managing Attorney of each office have this information. The account information should also be posted or available at the reception desk.

APPENDIX B

LIST OF LSNC MULTILINGUAL BROCHURES

HOUSING BROCHURES (Located on the SPN, *Advocate Training/Resources-Housing Brochures*)

- 30-60-Day Notice Packet (Chinese, Russian, Spanish, Vietnamese)
- 3-Day Notice Packet (Russian, Spanish, Vietnamese)
- UD Brochure (Russian, Spanish Vietnamese)

PUBLIC BENEFITS BROCHURES

- CalWORKs: New 48 Month Limit (Armenian, Chinese, Spanish, Vietnamese)
- Emergency Benefits: When You Can't Wait for Help (Spanish)
- Exemptions: When You are Unable to Do Welfare to Work (Spanish)
- Getting Education and Training (Chinese, Spanish, Vietnamese)
- Getting Help in Your Language (Chinese, Spanish)
- IHSS 3.6% Cut In Hours Flyer (February, 2011) (Chinese, Spanish, Russian, Vietnamese)
- Quarterly Reporting: How to Report (Chinese, Russian, Spanish, Vietnamese)
- Self-Initiated Programs: Getting Education Through CalWORKs (Chinese, Vietnamese)
- Welfare-to-Work Plans: Know Your Rights (Chinese, Spanish, Vietnamese)
- CalWORKs: New Work Rules and Plan Change Request (Spanish)

APPENDIX C

CONFIDENTIALITY-NONDISCLOSURE

Privilege and confidentiality rules apply to interpreters. A signed confidentiality statement must be obtained and included in the file when using non-LSNC staff resources. This statement, shown below, is posted along with other case forms on the SPN. Because Ethnic Bridge and International Effectiveness Center (IEC) have formalized confidentiality policies, this signed statement need not be obtained when using Ethnic Bridge or IEC.

INTERPRETER CONFIDENTIALITY STATEMENT

I, _____, understand that the meeting/conversation for which I interpret today is confidential. I will not reveal the nature or content of anything I heard/hear or saw/see today to anyone without the express written permission of the client/recipient.

Interpreter Signature: _____ Date: _____